

PATENT



ATTORNEY DOCKET No. 114596-07-4014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/330,852

Confirmation No.: 9904

Applicant: David L. Reese, et al.

Title: PROFILING RANGES OF EXECUTION OF A COMPUTER PROGRAM

Filed: June 11, 1999

Art Unit: 2124

Examiner: John Q. Chavis

Atty. Docket: 114596-07-4014

Customer No. 38492

I certify that this correspondence, along with any documents referred to therein, is being deposited with the United States Postal Service on July 12, 2005 as First Class Mail in an envelope with sufficient postage addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In accordance with 37 C.F.R. §§1.56, 1.97 and 1.98, Applicant wishes to make of record the items listed on the accompanying Form PTO-1449. Applicant respectfully requests the Examiner to fully consider the items and independently ascertain their teaching before issuance of the next action, and to make them of record in the file. The Examiner is also requested to initial and return a copy of the enclosed Form PTO-1449 to evidence such consideration.

1. Applicant has listed publication dates on the attached Form PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated. Applicant reserves the right to establish the patentability of the claims over any information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

2. The references listed on the enclosed Form 1449 are references that have come to light in applications listed in the Information Disclosure Statement of November 2000. For many of the listed references, pertinence is mentioned in the respective application file in which the reference came to light. Applicant has not reviewed all of them in detail. Of those that have been reviewed, none of the references are believed to be any more pertinent than the references provided in earlier IDS' and Forms 1449. However, in an abundance of caution, Applicant requests that they be considered.

3. Pursuant to 37 C.F.R. § 1.98(d), for items other than U.S. patents and U.S. patent applications listed on the enclosed Form PTO-1449 for which a copy is not already made of record in this application, a copy was previously cited by or submitted to the Patent and Trademark Office in application Serial No.

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09/239,194, filed January 28, 1999, Yates et al., Executing Programs for a First Computer Architecture on a Computer of a Second Architecture, or in application Serial No. 09/322,443, filed May 28, 1999, Reese et al., Profiling of Computer Programs Executing in Virtual Memory Systems, each of which is an earlier application relied on for an earlier effective filing date under 35 U.S.C. § 120.

4. The Compaq, Dean, Hollingsworth, three Intel, Jones, Magnuson, Mueller, Park, and Peterson references are already of record. They are cited again here with improved bibliographic information.

5. This Information Disclosure Statement is being filed more than three months after filing of this application and after the mailing of a first Office Action on the merits, but before the mailing date of a final action under 37 C.F.R. § 1.113, or a Notice of Allowance under 37 C.F.R. § 1.311 (where there has been no prior final action), or an action that otherwise closes prosecution in the application. A fee is due pursuant to 37 C.F.R. §1.97(c)(2).

6. Charge the fee due under C.F.R. §1.17(p) to Deposit Account 23-2405, Order No. 114596-07-4014.

7. The Commissioner is hereby authorized to charge any additional fees that may be required for this Information Disclosure Statement, or credit any overpayment, to Deposit Account No. 23-2405, Order No. 114596-07-4014.

Respectfully submitted,

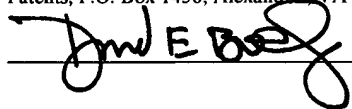
WILLKIE FARR & GALLAGHER LLP

Dated: July 12, 2005

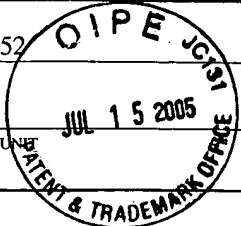
By: 

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FORM PTO-1449		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE			ATTY. DOCKET NO. 114596-07-4014		SERIAL NO. 09/330,852	
INFORMATION DISCLOSURE CITATION								
(Use several sheets if necessary)								
APPLICANT David L. Reese, et al.					FILING DATE June 11, 1999			
U.S. PATENT DOCUMENTS								
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE		
	4,722,050	01/26/1988	Lee	712	205	Mar. 27, 1986		
	4,831,515	05/16/1989	Kamada	712	207	Feb. 10, 1986		
	5,371,894	12/06/1994	DiBrino	714	34	Dec. 23, 1993		
	5,377,309	12/27/1994	Sonobe	706	60	Nov. 27, 1991		
	5,404,473	04/04/1995	Papworth	712	241	Mar. 1, 1994		
	5,721,855	02/24/1998	Hinton	712	218	Jul. 12, 1996		
	5,729,728	03/17/1998	Colwell	712	234	Sep. 6, 1996		
	5,918,251	06/29/1999	Yamada	711	207	Dec. 23, 1996		
	6,035,120	03/07/2000	Ravichandran	717	141	May 28, 1997		
	6,157,993	12/5/2000	Lewchuk	711	213	Jan. 3, 2000		
	6,212,493	04/03/2001	Huggins	703	22	Dec. 1, 1998		
	6,256,775	7/3/2001	Flynn	717	127	Dec. 11, 1997		
	6,351,646	02/26/2002	Jellema	455	461	Apr. 20, 1998		
	6,415,379	07/02/2002	Keppel	712	209	Oct. 13, 1999		
	6,535,903	3/18/2003	Yates	718	100	Jan. 29, 1996		
	6,549,959	04/15/2003	Yates	710	22	Nov. 4, 1999		
	6,553,431	04/22/2003	Yamamoto	710	8	Jul. 21, 1999		
	6,685,090	02/03/2004	Nishigaya	235	382	Jan. 26, 2001		
	6,708,173	03/16/2004	Behr	707	10	Oct. 18, 2000		
	6,721,941	4/13/2004	Morshed	717	127	Aug. 22, 2000		
	6,763,452	07/13/2004	Hohensee	712	227	Jun. 24, 1999		
	6,779,107	08/17/2004	Yates	712	229	Oct. 28, 1999		
	6,789,181	09/07/2004	Yates	712	4	Nov. 3, 1999		
	6,789,263	09/07/2004	Shimada	725	119	Jun. 18, 1997		
	6,826,748	11/30/2004	Hohensee	717	130	Jun. 24, 1999		
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Papers, Etc.)								
		Compaq Computer Corp., Compiler Writer's Guide for the Alpha 21264 (1999) //ftp.digital.com/pub/Digital/info/semiconductor/literature/cmpwrgd.pdf						
EXAMINER				DATE CONSIDERED				

FORM PTO-1449		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 114596-07-4014	SERIAL NO. 09/330,852
INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)				APPLICANT David L. Reese, et al.	
				FILING DATE June 11, 1999	GROUP ART UNIT 2124

O T P E J C T S
 JUL 15 2005
 PATENT & TRADEMARK OFFICE

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Papers, Etc.)			
			Dean, ProfileMe: Hardware Support for Instruction-Level Profiling on Out-of-Order Processors," Proceedings of 30th Annual Intl. IEEE/ACM Symp. on Microarchitecture, pp. 292-302 (Dec. 1997)
			Hollingsworth, Critical Path Profiling of Message Passing and Shared-Memory Programs, IEEE Transactions on Parallel and Distributed Systems vol. 9, no. 10, pp. 1029-1040 (October 1998)
			Intel Corporation, Intel Architecture Software Developer's Manual, Volume 1: Basic Architecture, pages 3-10 to 3-13, 7-1 to 7-3, 7-20 to 7-25; Volume 2: Instruction Set Reference, pages 3-60 to 3-63, 3-240 to 3-251; Volume 3: System Programming Guide, pages 11-1 to 11-3, 11-10 to 11-13, 14-1 to 14-3, 14-10 to 14-15 (1997)
			Intel Corporation, Pentium Processor Family Developer's Manual (1997), pages 1-1 to 1-6, 2-1 to 2-20
			Intel Corporation, Pentium Processor Family Developer's Manual (1997), vol. 3: Architecture and Programming Manual, pages 3-1 to 3-3, 3-10 to 3-13, 12-1 to 12-27, 14-1 to 14-30
			Jones, Puzzling with Microcode, ACM SIGARCH Computer Architecture News, vol. 11, no. 5, pp. 8-12 (1983)
			Magnusson and Werner, Efficient Memory Simulation in SimICS, Proceedings of the 28th Annual Simulation Symposium, IEEE, pp. 62-73 (1995).
			Mueller, Rustagi and Baker: MiThOS - A Real-Time Micro-Kernel Threads Operating System, IEEE Real-Time Systems Symposium 1995: pp. 49-55 (1995)
			Park et al., Evaluation of Scheduling Techniques on a SPARC-Based VLIW Testbed, Proceedings of the 30th annual ACM/IEEE international symposium on Microarchitecture, pp. 104-113 (1997)
			Peterson, "The Profile Naming Service," ACM Transactions on Computer Systems (TOCS), v.6 n.4, p.341-364 (Nov. 1988)
EXAMINER			DATE CONSIDERED